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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,757	12/29/2000	Shmuel Shaffer	062891.0418	5060
7590	01/04/2006		EXAMINER	
Baker Botts L.L.P. 2001 Ross Avenue Dallas, TX 75201-2980			CHOW, MING	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/751,757	SHAFFER ET AL.	
	Examiner	Art Unit	
	Ming Chow	2645	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 September 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-42 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-6,9-19,22-32 and 35-42 is/are rejected.
 7) Claim(s) 7,8,20,21,33 and 34 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

Allowable Subject Matter

1. Claims 7, 8, 20, 21, 33, 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach the CoS includes a priority associated with a called party when the CoS is determined for connection and for queuing the call request.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, 11-15, 19, 24-28, 32, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al (US: 5600710), and in view of Malik (US: 6301349).

For claims 1, 2, 12-15, 25-28, 38, 39, Weisser et al teach on column 9 line 24-29 a caller attempts to reach (read on claimed “receiving....a request”) an “Advertise-on-Busy” subscriber.

Weisser et al teach on column 14-17 service control point (SCP) and service node. The combination the SCP and service node is the claimed “access controller”.

Weisser et al failed to teach “a messaging system”. However, Malik teaches on item 25 Fig. 4 a called number is a VMS (claimed “messaging system”) connecting to a SSP.

Regarding “determining....if the messaging is available, establishing a telecommunications connection between the user and the messaging system”, Weisser et al teach on column 9 line 4-6 if the called number is not busy the call is connected.

Regarding “if the messaging system is not available....queuing the request....maintaining a telecommunications connection....is queued”, Weisser et al teach on column 9 line 13-41 when the called number is busy the call is queued in the SCP and the connection is maintained with the service node for playing an advertisement.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al to have “a messaging system” as taught by Malik such that the modified system of Weisser et al would be able to support the system users conveniences of controlling a messaging system in an environment as taught by Weisser et al.

Regarding claims 6, 19, 32, the calling number must be determined at the SCP (claimed “access controller”) for call connection and determining the priority (see column 8 line 4-7).

Regarding claims 11, 24, 37, Weisser et al teach on column 11 line 14-15 first-in-first-out basis.

3. Claims 3, 16, 29, and 4, 17, 30, and 5, 18, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as applied to claim 1 above, and in view of Malik (US: 6519333; hereafter, Malik-333).

Weisser et al teach on column 8 line 4-7 queuing a call based on the priority associated with the calling number.

Weisser et al failed to teach “determining a class of service.....queuing.....CoS”. However, Malik-333 teaches on column 4 line 47 to column 6 line 33 determining a CoS and routing a call based on the CoS.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al to have the “determining a class of service.....queuing.....CoS” as taught by Malik-333 such that the modified system of Weisser et al would be able to support the system users conveniences of determining the CoS for queuing.

4. Claims 9, 10, 22, 23, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as applied to claim 3 above, and in view of Malik, Malik-333, Chauvel et al (US: 6412048).

Regarding Claims 9, 22, 35, Weisser et al in view of Malik, Malik-333 as stated in claim 3 above failed to teach “the CoS.....for connection”. However, Chauvel et al teach on column 15 line 20-39 priority based on type of request. The “type of request” is the CoS because different CoS is different class and is different type.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Malik-333 to have the “the CoS.....for connection” as taught by Chauvel et

al such that the modified system of Weisser et al, Malik, Malik-333 would be able to support the system users conveniences of associating a priority with the type of request.

Regarding claims 10, 23, 36, Weisser et al in view of Malik, Malik-333, Chauvel et al as stated in claim 9 above failed to teach “the type of....leave a message”. However, Malik teaches on Abstract – a call is forwarded by the telecommunication system (reads on claimed “internal network request”) to a voice mail service for leaving a message.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Malik-333, Chauvel et al to have the “the type of....leave a message” as taught by Malik such that the modified system of Weisser et al, Malik, Malik-333, Chauvel et al would be able to support the system users conveniences of selecting various internal network requests.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al, and in view of Malik, Pandharipande (US: 6529500).

The rejections for claims 1 and 2 as stated above apply.

Weisser et al in view of Malik failed to teach authenticating the user for access. However, Pandharipande teaches on column 1 line 16-19 a password (reads on the claimed “authenticating”) is required for accessing the voicemail.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al in view of Malik to have the authenticating the user for access as taught by

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Pandharipande such that the modified system of Weisser et al, Malik would be able to support the system users conveniences of the authentication.

6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as stated in claim 40 above, and in view of Malik, Pandharipande, Malik-333.

Weisser et al teach on column 8 line 4-7 queuing a call based on the priority associated with the calling number.

Weisser et al in view of Malik, Pandharipande failed to teach “queuing the request based on a class of service (CoS) for the connection”. However, Malik-333 teaches on column 4 line 47 to column 6 line 33 determining a CoS and routing a call based on the CoS.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Pandharipande to have the “queuing the request based on a class of service (CoS) for the connection” as taught by Malik-333 such that the modified system of Weisser et al, Malik, Pandharipande would be able to support the system users conveniences of queuing the request based on a CoS.

7. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as stated in claim 40 above, and in view of Malik, Pandharipande, Sawyer et al (US: 6324271).

Weisser et al in view of Malik, Pandharipande as stated in claim 40 above failed to teach “transferring a login token.....messaging system”. However, Sawyer et al teach on column 2 line 12-16 performing authentication of a caller and then sending the authentication information (claimed “login token”) to the terminating set.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Pandharipande to have the “transferring a login token....messaging system” as taught by Sawyer et al such that the modified system of Weisser, Malik, Pandharipande would be able to support the system users conveniences of transferring a login token to the messaging system.

Response to Arguments

8. Applicant's arguments filed on 9/19/05 have been fully considered but they are not persuasive.

- i) Applicant argues, on page 9, regarding the cited prior arts have no disclosure of a messaging system may be unavailable. The Examiner disagree with the argument. The VMS of Malik was used to teach as a customer premise equipment (CPE) of the called line (taught by Weisser). It is a direct connection to the called line. It is not used to teach as a CPR for a user at the called line. The primary reference (Weisser) teaches a busy called line. In combination with the second reference, the VMS at the called line is busy (claimed “not available”).
- ii) Applicant argues, on page 9, regarding rejection based “Official Notice”. The Examiner disagree and cannot understand this argument. There is no “Official Notice” cited in the Office Action for rejections.

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- iii) Applicant argues, on page 9-11, regarding motivations. As rejections stated above, motivations have been clearly stated. Applicant is respectfully directed to, for example, rejections to claim 1. The motivation has been clearly stated as “It would have been obvious to one skilled at the time the invention was made to modify Weisser et al to have “a messaging system” as taught by Malik such that the modified system of Weisser et al would be able to support the system users conveniences of controlling a messaging system in an environment as taught by Weisser et al.”. The system users conveniences is a perfect motivation. The Examiner appreciates Applicant’s citing of MPEP § 2144.03. The MPEP § 2144.03 clearly states “the rational to modify or combine the prior art does not have to be expressly stated in the prior art; the rational may be reasoned.....from knowledge generally available to one of ordinary skilled in the art”.
- iv) Applicant argues, on page 11, regarding “Malik explicitly teach away from the combination with Weisser”. The Examiner disagrees. In view of the responses as stated above, the combination of Weisser and Malik fully read on the claimed limitations. Applicant’s argument of “minimizes the delay” does not apply to the teaching purpose in combining with Weisser.
- v) Applicant argues, on page 12, regarding motivation to combine Weisser and Malik-333. Again, see responses stated in item iii) above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 571-273-8300.

Patent Examiner

Art Unit 2645

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